

116TH CONGRESS
1ST SESSION

H. R. 90

To amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for individuals residing in counties with fewer than 2 health insurance issuers offering plans on an Exchange; to require Members of Congress and congressional staff to abide by the Patient Protection and Affordable Care Act with respect to health insurance coverage; and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2019

Mr. BIGGS introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, House Administration, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to provide an exemption to the individual mandate to maintain health coverage for individuals residing in counties with fewer than 2 health insurance issuers offering plans on an Exchange; to require Members of Congress and congressional staff to abide by the Patient Protection and Affordable Care Act with respect to health insurance coverage; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protection from
3 Obamacare Mandates and Congressional Equity Act”.

4 **SEC. 2. MODIFICATIONS TO EXEMPTION FROM REQUIRE-**
5 **MENT TO MAINTAIN HEALTH COVERAGE.**

6 (a) EXEMPTION FOR INDIVIDUALS IN AREAS WITH
7 FEWER THAN 2 ISSUERS OFFERING PLANS ON AN EX-
8 CHANGE.—Section 5000A(e) of the Internal Revenue Code
9 of 1986 is amended by adding at the end the following
10 new paragraph:

11 “(6) INDIVIDUALS IN AREAS WITH FEWER
12 THAN 2 ISSUERS OFFERING PLANS ON AN EX-
13 CHANGE.—

14 “(A) IN GENERAL.—Any applicable indi-
15 vidual for any period during a calendar year if
16 there are fewer than 2 health insurance issuers
17 offering qualified health plans on an Exchange
18 for such period in the county in which the ap-
19 plicable individual resides.

20 “(B) AGGREGATION RULES.—For purposes
21 of subparagraph (A), all health insurance
22 issuers treated as a single employer under sub-
23 section (a) or (b) of section 52, or subsection
24 (m) or (o) of section 414, shall be treated as a
25 single health insurance issuer.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to months beginning after the date
3 of the enactment of this Act.

4 **SEC. 3. HEALTH INSURANCE COVERAGE FOR CERTAIN**
5 **CONGRESSIONAL STAFF AND MEMBERS OF**
6 **THE EXECUTIVE BRANCH.**

7 Section 1312(d)(3)(D) of the Patient Protection and
8 Affordable Care Act (42 U.S.C. 18032(d)(3)(D)) is
9 amended—

10 (1) by striking the subparagraph heading and
11 inserting the following:

12 “(D) MEMBERS OF CONGRESS, CONGRES-
13 SIONAL STAFF, AND POLITICAL APPOINTEES IN
14 THE EXCHANGE.—”;

15 (2) in clause (i), in the matter preceding sub-
16 clause (I)—

17 (A) by striking “and congressional staff
18 with” and inserting “, congressional staff, the
19 President, the Vice President, and political ap-
20 pointees with”; and

21 (B) by striking “or congressional staff
22 shall” and inserting “, congressional staff, the
23 President, the Vice President, or a political ap-
24 pointee shall”;

25 (3) in clause (ii)—

1 (A) in subclause (II), by inserting after
2 “Congress,” the following: “of a committee of
3 Congress, or of a leadership office of Con-
4 gress,”; and

5 (B) by adding at the end the following:

6 “(III) POLITICAL APPOINTEE.—

7 The term ‘political appointee’ means
8 any individual who—

9 “(aa) is employed in a posi-
10 tion described under sections
11 5312 through 5316 of title 5,
12 United States Code (relating to
13 the Executive Schedule);

14 “(bb) is a limited term ap-
15 pointee, limited emergency ap-
16 pointee, or noncareer appointee
17 in the Senior Executive Service,
18 as defined under paragraphs (5),
19 (6), and (7), respectively, of sec-
20 tion 3132(a) of title 5, United
21 States Code; or

22 “(cc) is employed in a posi-
23 tion in the executive branch of
24 the Government of a confidential
25 or policy-determining character

1 under schedule C of subpart C of
2 part 213 of title 5 of the Code of
3 Federal Regulations.”; and

4 (4) by adding at the end the following:

5 “(iii) GOVERNMENT CONTRIBUTION.—

6 No Government contribution under section
7 8906 of title 5, United States Code, shall
8 be provided on behalf of an individual who
9 is a Member of Congress, a congressional
10 staff member, the President, the Vice
11 President, or a political appointee for cov-
12 erage under this paragraph.

13 “(iv) LIMITATION ON AMOUNT OF TAX
14 CREDIT OR COST SHARING.—An individual
15 enrolling in health insurance coverage pur-
16 suant to this paragraph shall not be eligi-
17 ble to receive a tax credit under section
18 36B of the Internal Revenue Code of 1986
19 or reduced cost sharing under section 1402
20 of this Act in an amount that exceeds the
21 total amount for which a similarly situated
22 individual (who is not so enrolled) would be
23 entitled to receive under such sections.

24 “(v) LIMITATION ON DISCRETION FOR
25 DESIGNATION OF STAFF.—Notwithstand-

1 ing any other provision of law, a Member
2 of Congress shall not have discretion in de-
3 terminations with respect to which employ-
4 ees employed by the office of such Member
5 are eligible to enroll for coverage through
6 an Exchange.

7 “(vi) CLARIFICATION.—The terms
8 ‘small employer’ (as defined under section
9 1304(b)(2)) and ‘qualified employers’ (as
10 defined under subsection (f)) do not in-
11 clude the Congress, with respect to enroll-
12 ments in an Exchange and a SHOP Ex-
13 change.”.

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